

Maine Revised Statutes
Title 36: TAXATION
Chapter 701: BLUEBERRY TAX

§4316. RECEIVERS OF WILD BLUEBERRIES

1. Record keeping required. A shipper or processor who transports or receives wild blueberries shall keep a permanent record of each lot or load of wild blueberries. The record must include the name of the driver of the vehicle used to deliver the wild blueberries, the date of delivery, the delivery point, a copy of the transportation permit, the driver's license number and the total pounds of wild blueberries delivered.

[2007, c. 694, §10 (AMD) .]

2. Inspection of permit required. It is unlawful for a shipper or processor to receive or accept delivery of wild blueberries without first inspecting the transportation permit of the driver of the vehicle used to deliver the wild blueberries and creating a permanent record in accordance with subsection 1.

[2007, c. 694, §10 (AMD) .]

3. Violation; civil. The failure to keep the permanent records of wild blueberries transported or received as required in this section, failure to inspect the transportation permit of a driver of a vehicle used to deliver wild blueberries or any other violation of this section is a civil violation punishable by a fine of not more than \$5,000 for a first-time violation and punishable by a fine of not more than \$10,000 when the person is found to have committed a prior civil violation of this section within the prior 5 years.

[2007, c. 694, §10 (AMD) .]

3-A. Violation; criminal. A shipper or processor who violates this section when the shipper or processor is found to have committed 2 prior civil violations of this section commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

[2007, c. 694, §10 (NEW) .]

3-B. Strict liability crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2007, c. 694, §10 (NEW) .]

4. Audits. The Wild Blueberry Commission of Maine may request the Department of Agriculture, Conservation and Forestry to conduct audits of the records of shippers or processors for the purpose of ascertaining compliance with this section. The commissioner, or a duly authorized agent, has free access, during normal business hours, to all records required to be kept by shippers or processors pursuant to this section and also to shippers' or processors' accounts payable, accounts receivable, records of inventories, actual inventories, records of shipments and such other business records as are needed to ascertain compliance with this section. Any documents inspected or taken by the department in furtherance of the audit functions or any other information collected by the department pursuant to the audit must be kept confidential

notwithstanding any provision to the contrary contained in Title 1, chapter 13, subchapter 1. This confidential status does not apply to any documents, records or information that is needed as evidence in any civil or criminal proceeding to enforce any law under this chapter or any other criminal law.

[2007, c. 694, §10 (AMD); 2011, c. 657, Pt. W, §5 (REV) .]

SECTION HISTORY

1989, c. 214, §2 (NEW). 1989, c. 859, §§2,3 (AMD). 1997, c. 511, §24 (AMD). 2007, c. 694, §10 (AMD). 2011, c. 657, Pt. W, §5 (REV).

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